

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

OCT 07 2005

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(7/93)

United States District Court
for the
Western District of Virginia
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Nicholas E. Pittarelli Case Number: 3:04CR00039-001
 Name of Sentencing Judicial Officer: Thomas McAvoy
 Date of Original Sentence: January 27, 2000
 Original Offense: Wire Fraud
 Original Sentence: 21 months incarceration, 3 years supervised release
 Type of Supervision: Supervised release Date Supervision Commenced: February 19, 2004
 Asst. U.S. Attorney: Thomas Walsh Defense Attorney: Alexander Luckanick

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **Standard Condition #2:** *"The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month."*

 Pittarelli's monthly reports are consistently delinquent; in addition, the defendant calls the probation office when the probation office is closed, knowing full well the probation officer will not be available.

- 2 **Standard Condition #3:** *"The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer."*

 Special Condition: *"The defendant shall perform 100 hours of community service. The site, schedule, and conditions shall be approved by the probation officer."*

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Petition for Warrant or Summons
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Special Condition: *"The defendant shall participate in a mental health program which shall include medical, psychological, or psychiatric evaluation and may include outpatient and/or inpatient treatment. The program shall be approved by the U.S. Probation Office. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments."*

The defendant has failed to comply with mental health counseling, and according to information from his current therapist, Dr. Blinn, he has had no treatment session since March 28, 2005.

The defendant has not made a \$200 restitution payment for the month of September, such payment being due September 15, 2005.

Upon his release, Pittarelli was instructed to have no involvement in the finance world. It was discovered that he had a Web site reportedly purchasing bad debt. Information was turned over to the U.S. Attorney's Office for New York.

U.S. Probation Officer Recommendation:

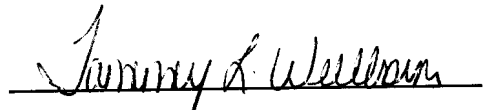
The term of supervision should be:

- ☒ Revoked
☐ Extended for year(s), for a total term of years.

☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 5, 2005


Tammy L. Wellborn
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant (Petition and warrant shall be **SEALED** until execution of warrant.)
- ☒ The Issuance of a Summons
- ☐ Other

Hanna E. Moan

Signature of Judicial Officer

10/7/05

Date